IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3129 OF 2007

Vishwa Kalyan Kamgar Sanghatana.... Petitioner

versus

Bajaj Auto Ltd. and anr..... Respondent.

Ms. Hutaxi Tavadia for H.V. Kode for the petitioner.
Ms. Swati Deshpande i/b S/Bodanwala for Respondent no.1.
Shri K.S.Bapat for respondent no.2.

CORAM; A.P. DESHPANDE, J.
DATED; 23RD APRIL, 2007

P.C.;

1. An interlocutory order passed by the Industrial court rejecting the application at Exh.U-32 has given raise to the filing of this writ petition. The petitioner Vishwa Kalyan Kamgar Sanghatana filed an application claiming recognition in place of respondent no.2 Bhartiya Kamgar Sena. The application moved under section 14 is pending adjudication before the Industrial court. During pendency of the said application, an interim application came to be filed by the petitioner seeking to restrain respondent no.2 (recognised union) from entering into any settlement with the employer. The Industrial court has factually found that not even charter of demand has been submitted by the respondent no.2 and the application

moved by the petitioner is pre-mature. Even otherwise the Industrial court has found that balace ofconvenience lies in favour of the recognised union. It isalso found that the applicant has not proved primafacie case. Thus no interference is called for . At this stage the learned counsel for the petitioner makes a grievance that the respondent no.2 has submitted a list of 180 witnesses,after examining four witnesses. Hence according to the petitioner the intention of the respondent no.2 is to prolong the matter. The petitioner has alreadyt moved an application before the Industrial court in this regard. Hence said issue falls outside the scope of the present petition. I hope and trust that the Industrial court shall proceed to adjudicate the application moved by the petitioner dated 17-3-2007 as expeditiously as possible.

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